

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Thirteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**  
**FIRST REGULAR SESSION**  
December 3, 1986 to May 22, 1987

Section 501, ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Periodic Justification of State Government Programs under the Maine Sunset Laws" (Emergency)

H.P. 1061 L.D. 1436

Be referred to the Joint Standing Committee on AUDIT AND PROGRAM REVIEW for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED and the Bill referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED, pursuant to Joint Rule 18, in concurrence.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, with reference to item 3-2, L.D. 1439, I move the Senate RECONSIDER its action whereby this Bill was referred to the Committee on ENERGY AND NATURAL RESOURCES.

THE PRESIDENT PRO TEM: The Chair would respond that this matter has been sent down forthwith to the other Body and is no longer in the possession of the Senate.

On motion by Senator COLLINS of Aroostook, ADJOURNED until Friday, May 8, 1987, at 12:00 in the afternoon.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
63rd Legislative Day  
Friday, May 8, 1987

The House met according to adjournment and was called to order by the Speaker pro tem.

Prayer by Reverend Donald D. Menzel, United Baptist Church, Topsham.

The Journal of Wednesday, May 6, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Amend the Doe Permit Law" (S.P. 46) (L.D. 94)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on RESOLVE, to Establish the Commission on Surrogate Parenting (S.P. 239) (L.D. 658)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Repeal the Fees for Hunting and Fishing Licenses for Persons 65 Years of Age or Older" (S.P. 271) (L.D. 781)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Non-Concurrent Matter

An Act to Transfer the Maine Fire Training and Education Program from the Department of Educational and Cultural Services to the Maine Vocational-Technical Institute System (Emergency) (S.P. 251) (L.D. 700) (C. "A" S-40) which was Passed to be Enacted in the House on May 4, 1987.

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-40) as amended by Senate Amendment "A" (S-53) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Allow the Governor to Order Emergency Activation of the Guard in Advance of an Imminent Disaster" (H.P. 1063) (L.D. 1446) which was Referred to the Committee on Aging, Retirement and Veterans in the House on May 6, 1987.

Came from the Senate, Referred to the Committee on State and Local Government in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S. P. 473)

113th MAINE LEGISLATURE  
May 5, 1987

Senator John E. Baldacci  
Representative Carol M. Allen  
Chairpersons  
Joint Standing Committee on Business Legislation  
113th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Joanna Dennis of Waterville for appointment to the Maine Real Estate Commission.

Pursuant to Title 32, M.R.S.A. Section 4051-A, this nomination will require review by the Joint Standing Committee on Business Legislation and confirmation by the Senate.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Business Legislation.

Was Read and Referred to the Committee on Business Legislation in concurrence.

The following Communication:  
113th MAINE LEGISLATURE  
M E M O R A N D U M

TO: ALL COMMITTEE CHAIRS  
FROM: S/Charles P. Pray  
Senate President  
S/John L. Martin  
Speaker of the House  
DATE: May 5, 1987  
SUBJECT: Committee Time Limit on Reporting Out Legislation

All bills heard as of May 1 will be voted out of committee by May 15 unless they have prior approval by both presiding officers.

Committee clerks will turn in their committee reports to the appropriate House of origin.  
Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Aging, Retirement and Veterans

Bill "An Act to Repeal Loyalty Oaths for Civil Emergency Preparedness Personnel" (H.P. 1092) (L.D. 1483) (Presented by Representative RICHARD of Madison) (Cosponsors: Representatives BICKFORD of Jay, RICE of Stonington and Senator PERKINS of Hancock) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24)

Bill "An Act to Clarify Existing Law Regarding the Loss of Military Property" (H.P. 1094) (L.D. 1485) (Presented by Representative PARADIS of Old Town) (Cosponsors: Senators PERKINS of Hancock, ERWIN of Oxford and Representative HICKEY of Augusta) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24)

Bill "An Act to Repeal the Removal of Ice Jams Provisions from the State Civil Emergency Preparedness Law" (H.P. 1095) (L.D. 1486) (Presented by Representative STEVENS of Sabattus) (Cosponsors: Representatives TUPPER of Orrington and PAUL of Sanford) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24)

Bill "An Act to Clarify Existing Federal Compensation and Care as the Primary Resource to an Injured Service Member before Seeking Benefits under the Workers' Compensation Act" (H.P. 1096) (L.D. 1487) (Presented by Representative ZIRNKILTON of Mount Desert) (Cosponsors: Representatives RICHARD of Madison, PARADIS of Old Town and Senator COLLINS of Aroostook) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24)

Ordered Printed  
Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Reestablish the Vehicle Rental Agency in the Department of Conservation" (Emergency) (H.P. 1078) (L.D. 1465) (Presented by Representative WENTWORTH of Wells) (Cosponsors: Representative RIDLEY of Shapleigh and Senator GOULD of Waldo) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

Bill "An Act to Promote the Development and Improvement of Child Care Resources in Maine" (H.P. 1083) (L.D. 1474) (Presented by Representative FOSS of Yarmouth) (Cosponsors: Senators CLARK of Cumberland, GILL of Cumberland and Representative PINES of Limestone)

Ordered Printed  
Sent up for Concurrence.

State & Local Government

Bill "An Act to Encourage Cities and Towns to Display the Prisoner-of-war and Missing-in-action Flags" (H.P. 1085) (L.D. 1476) (Presented by Representative KETOVER of Portland) (Cosponsors: Representatives CLARK of Millinocket, JALBERT of Lisbon and President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(The Committee on Reference of Bills had suggested the Committee on Appropriations and Financial Affairs.)

On motion of Representative Carter of Winslow the bill was referred to the Committee on State and Local Government, ordered printed and sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Ensure Safe Transportation of Special Solid Wastes" (H.P. 1077) (L.D. 1464) (Presented by Representative BOST of Orono) (Cosponsors: Representative MICHAUD of East Millinocket and Senator USHER of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Prohibit Certain Wastewater Discharges to the Waters of the State" (H.P. 1084) (L.D. 1475) (Presented by Representative DEXTER of Kingfield) (Cosponsors: Representative HOLLOWAY of Edgecomb and Senator USHER of Cumberland) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Bill "An Act to Amend the State Funding of Pollution Abatement Projects" (H.P. 1093) (L.D. 1484) (Presented by Representative MURPHY of Berwick) (Cosponsors: Senator USHER of Cumberland, Representatives RIDLEY of Shapleigh and ANDERSON of Woodland) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24)

Ordered Printed  
Sent up for Concurrence.

Human Resources

Bill "An Act to Assure the Reporting of Communicable Diseases by Hospitals to Emergency Medical Services Personnel" (H.P. 1076) (L.D. 1463) (Presented by Representative PINES of Limestone) (Cosponsors: Representatives FOSS of Yarmouth, MCGOWAN of Canaan, and Senator EMERSON of Penobscot)

(Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Amend Maine's Radiation Protection Law" (H.P. 1081) (L.D. 1472) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsors: Senators SEWALL of Lincoln, TUTTLE of York and Representative COLES of Harpswell) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Authorize Evaluation of Vital Statistics" (H.P. 1088) (L.D. 1479) (Presented by Representative STROUT of Windham) (Cosponsors: Representatives FARNUM of South Berwick, ERWIN of Rumford and Senator CAHILL of Sagadahoc) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act Requiring that Informed Consent be Given to those Persons Tested for the Presence of Antibodies to HTLV-III" (H.P. 1099) (L.D. 1490) (Presented by Representative MARSANO of Belfast) (Cosponsors: Representatives DELLERT of Gardiner, FARNUM of South Berwick and Senator BRANNIGAN of Cumberland) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Require Minimum Evacuation Standards for Boarding Care Facilities" (H.P. 1100) (L.D. 1491) (Presented by Representative SEAVEY of Kennebunkport) (Cosponsors: Senators RANDALL of Washington, USHER of Cumberland and Representative BOUTILIER of Lewiston) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Ordered Printed  
Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Child and Family Services and Child Protection Act as it Relates to Judicial Reviews" (H.P. 1089) (L.D. 1480) (Presented by Representative TAYLOR of Camden) (Cosponsors: Representative HANLEY of Paris, Senators BROWN of Knox and CLARK of Cumberland) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Clarify Abrogation of Confidentiality of Communicable Disease Information for Child and Adult Protection Purposes" (H.P. 1090) (L.D. 1481) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Senators SEWALL of Lincoln, TWITCHELL of Oxford and Representative MANNING of Portland) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Bill "An Act to Update References to Immunities of State Military Forces under the State Tort Claims Act" (H.P. 1097) (L.D. 1488) (Presented by Representative GARLAND of Bangor) (Cosponsors: Representative STROUT of Windham and Senator DILLENBACK of Cumberland) (Submitted by the Department of Defense and Veterans' Services pursuant to Joint Rule 24)

Ordered Printed  
Sent up for Concurrence.

Labor

Bill "An Act Relating to Refusal to Appear and Taxable Wages under the Workers' Compensation Act" (H.P. 1098) (L.D. 1489) (Presented by Representative WILLEY of Hampden) (Cosponsors: Representatives TAMMARO of Baileyville, BEGLEY of Waldoboro and Senator COLLINS of Aroostook) (Submitted by the Department of Labor pursuant to Joint Rule 24)

Ordered Printed  
Sent up for Concurrence.

State and Local Government

Bill "An Act to Reassign the Duties of the Office of Energy Resources" (H.P. 1091) (L.D. 1482) (Presented by Representative ARMSTRONG of Wilton) (Cosponsors: Senators USHER of Cumberland, LUDWIG of Aroostook and Representative RIDLEY of Shapleigh)

Ordered Printed  
Sent up for Concurrence.

Taxation

Bill "An Act to Conform the Maine Income Tax Law to the Internal Revenue Code of 1986" (H.P. 1082) (L.D. 1473) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Representatives JACKSON of Harrison, ZIRNKILTON of Mount Desert and Senator TWITCHELL of Oxford) (Submitted by the Department of Finance pursuant to Joint Rule 24)

Bill "An Act to Change the Basis of Telecommunication Taxation" (H.P. 1086) (L.D. 1477) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Representatives ZIRNKILTON of Mount Desert, INGRAHAM of Houlton and Senator CLARK of Cumberland)

Bill "An Act to Improve the Method of Calculating Excise Taxes in Fire Control" (H.P. 1087) (L.D. 1478) (Presented by Representative JACKSON of Harrison) (Cosponsors: Senators EMERSON of Penobscot, DOW of Kennebec and Representative MARTIN of Van Buren) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

Ordered Printed  
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative REED from the Committee on Business Legislation on Bill "An Act to Mandate Rustproofing Designation of Motor Vehicles" (H.P. 668) (L.D. 901) reporting "Ought Not to Pass"

Representative TRACY from the Committee on Banking and Insurance on Bill "An Act to Provide for Lifeline Banking" (H.P. 454) (L.D. 609) reporting "Ought Not to Pass"

Representative TRACY from the Committee on Banking and Insurance on Bill "An Act Concerning Residential Mortgages" (H.P. 561) (L.D. 759) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for Staggered Registration of Snowmobiles and All Terrain Vehicles" (H.P. 755) (L.D. 1018) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Unanimous Leave to Withdraw

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Concerning the Examination of Law Enforcement Officials" (H.P. 608) (L.D. 826) reporting "Leave to Withdraw"

Representative PERRY from the Committee on Legal Affairs on Bill "An Act to Impose Monetary Limits on Campaign Expenditures" (H.P. 880) (L.D. 1181) reporting "Leave to Withdraw"

Representative PERRY from the Committee on Legal Affairs on Bill "An Act to Require Truth-in-advertising for the State Lottery

Commission" (H.P. 525) (L.D. 709) reporting "Leave to Withdraw"

Representative PERRY from the Committee on Legal Affairs on Bill "An Act Relating to Updating Voting Lists" (H.P. 691) (L.D. 932) reporting "Leave to Withdraw"

Representative PERRY from the Committee on Legal Affairs on Bill "An Act to Require the Itemization of In-kind Contributions by Political Action Committees and Candidates for Public Office" (H.P. 544) (L.D. 731) reporting "Leave to Withdraw"

Representative HANDY from the Committee on Education on Bill "An Act Relating to Geographic Isolation Grants" (H.P. 515) (L.D. 688) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Education on Bill "An Act to Establish Class-size Limitations" (H.P. 828) (L.D. 1119) reporting "Leave to Withdraw"

Representative BOST from the Committee on Education on Bill "An Act Relating to Innovative Grants" (H.P. 514) (L.D. 687) reporting "Leave to Withdraw"

Representative VOSE from the Committee on Utilities on Bill "An Act to Establish an Agricultural Electrical Rate" (H.P. 532) (L.D. 716) reporting "Leave to Withdraw"

Representative O'GARA from the Committee on Utilities on Bill "An Act Concerning Merger Investigations" (H.P. 292) (L.D. 378) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Eliminate the Statute of Limitation in Child Molestation or Incest Cases" (H.P. 546) (L.D. 733) reporting "Leave to Withdraw"

Representative MARSANO from the Committee on Judiciary on Bill "An Act to Facilitate the Use of Testimony of Young Victims of Sex Offenses" (H.P. 886) (L.D. 1187) reporting "Leave to Withdraw"

Representative REED from the Committee on Business Legislation on Bill "An Act to Require that Prescription Medicines Indicate the Purpose for Which the Medication is Prescribed" (H.P. 245) (L.D. 315) reporting "Leave to Withdraw"

Representative GARLAND from the Committee on Banking and Insurance on Bill "An Act to Prevent Surcharges or Penalty Fees in Excess of the Amount Paid for Damages under Auto Insurance Policies" (H.P. 518) (L.D. 691) reporting "Leave to Withdraw"

Representative BOTT from the Committee on Banking and Insurance on Bill "An Act to Provide Positive Incentives for the Use of Motor Vehicle and Motorcycle Safety Features and Equipment" (H.P. 528) (L.D. 712) reporting "Leave to Withdraw"

Representative LEBOWITZ from the Committee on Business Legislation on Bill "An Act to Clarify the Laws Relating to New Automobile Dealerships" (H.P. 529) (L.D. 713) reporting "Leave to Withdraw"

Representative O'GARA from the Committee on Education on Bill "An Act Concerning the School Selection Process" (Emergency) (H.P. 697) (L.D. 938) reporting "Leave to Withdraw"

Representative LACROIX from the Committee on State and Local Government on Bill "An Act to Amend the Laws Concerning the State Employee Health Insurance Coverage" (H.P. 279) (L.D. 362) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Ought to Pass in New Draft

Representative PERRY from the Committee on Legal Affairs on Bill "An Act to Amend the Deadline for Submission of Questions Under the Local Liquor Option" (H.P. 52) (L.D. 55) reporting "Ought to Pass" in New Draft (H.P. 1079) (L.D. 1467)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, May 11, 1987.

Ought to Pass in New Draft

Representative PERRY from the Committee on Legal Affairs on Bill "An Act to Allow Political Parties to Determine the Qualifications of Voters in Primary Elections" (H.P. 184) (L.D. 228) reporting "Ought to Pass" in New Draft (H.P. 1080) (L.D. 1468)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, May 11, 1987.

Ought to Pass in New Draft

Representative HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Amend the Retirement Law Regarding Schools" (H.P. 882) (L.D. 1183) reporting "Ought to Pass" in New Draft (H.P. 1101) (L.D. 1492)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, May 11, 1987.

Ought to Pass in New Draft

Representative DAVIS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 417) (L.D. 562) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1102) (L.D. 1493)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, May 11, 1987.

Ought to Pass in New Draft

Representative FOSTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 389) (L.D. 523) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1103) (L.D. 1494)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, May 11, 1987.

Ought to Pass in New Draft

Representative VOSE from the Committee on Utilities on Bill "An Act to Recodify the Public Utilities Law" (Emergency) (H.P. 267) (L.D. 350) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1075) (L.D. 1458)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, May 11, 1987.

Ought to Pass Pursuant to Joint Order (H.P. 23)

Representative STROUT from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1987 (Emergency) (H.P. 1104)

(L.D. 1496) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 23)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 823) (L.D. 1114) Bill "An Act to Clarify the Procedure for Voter Registration by Postcard" Committee on Legal Affairs reporting "Ought to Pass"

(H.P. 872) (L.D. 1173) Bill "An Act to Amend the Notice Provisions Concerning Write-in Candidates in Primary Elections" Committee on Legal Affairs reporting "Ought to Pass"

(H.P. 715) (L.D. 966) Bill "An Act Relating to Political Action Committees under the Campaign Financing Laws" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-95)

(H.P. 378) (L.D. 499) Bill "An Act to Establish the Uniform Trade Secrets Act" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-96)

(H.P. 776) (L.D. 1048) Bill "An Act to Protect Landowners from Damage or Destruction of Trees by Hunters Maintaining Ladders or Observation Stands" Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H.P. 778) (L.D. 1050) Bill "An Act to Amend the Hunting Laws Concerning Vinalhaven" Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H.P. 577) (L.D. 775) Bill "An Act Relating to Cancellation of Insurance Coverage as a Result of a New Driver's Suspension" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-97)

(H.P. 922) (L.D. 1234) Bill "An Act to Fund and Implement Collective Bargaining Agreements with Vocational-technical Institute System Employees Represented by the Maine Teachers Association, the Maine State Employees Association and the American Federation of State, County and Municipal Employees and to Fund and Implement Benefits for Certain Vocational-technical Institute System Employees Excluded from Bargaining" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 848) (L.D. 1139) Bill "An Act Relating to the Town of York School District" (Emergency) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-99)

(H.P. 530) (L.D. 714) Bill "An Act to Allow the Maine Maritime Academy to Award an Associate of Science Degree in Yacht Operations and Boatyard Management" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-98)

(H.P. 439) (L.D. 592) Bill "An Act to Amend the Registration Laws Concerning Antique Motor Vehicles" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-100)

(H.P. 474) (L.D. 641) Bill "An Act to Increase Funding to Displaced Homemakers Program to Continue Rural Outreach Activities and Supportive Services for Displaced Homemakers" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 331) (L.D. 430) Bill "An Act to Provide for a Self-sufficiency Trust of Funds for the Developmentally Disabled" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-101)

(H.P. 596) (L.D. 807) Bill "An Act to Fund the Cleanup of Fish Kills in the Coastal Waters" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-102)

(H.P. 631) (L.D. 854) Bill "An Act to Provide for Rural Community Fire Protection" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-103)

(H.P. 740) (L.D. 1003) Bill "An Act to Appropriate Funds to Index Decisions of the Maine Labor Relations Board" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-104)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, May 11, 1987, under the listing of Second Day.

CONSENT CALENDAR

Second Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar for the Second Day:

(H.P. 870) (L.D. 1171) RESOLVE, to Amend the Reporting Date of the Special Commission to Study Teacher Training in the University of Maine System (Emergency)

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Appropriate Funds for the Critical Areas Program" (H.P. 1073) (L.D. 1456)

Bill "An Act Relating to Training of Sewage Treatment Operators" (H.P. 1074) (L.D. 1457)

Bill "An Act to Assure Geographical Balance on the Board of Environmental Protection and to Implement Staggered Board Terms" (Emergency) (H.P. 1060) (L.D. 1435)

Were reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989 (S.P. 449) (L.D. 1375)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR

Emergency Measure  
TABLED AND ASSIGNED

An Act Relating to Taxation of Aircraft (H.P. 190) (L.D. 234) (C. "A" H-77)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Monday, May 11, 1987.

ENACTOR  
Emergency Measure  
TABLED AND ASSIGNED

An Act to Require Legislative Approval and Public Hearings for any Plan to Decentralize the Pineland Center Facility (H.P. 402) (L.D. 536) (H. "A" H-86; C. "A" H-74)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Murphy:

Representative MURPHY: I am going to vote for this measure at enactment but I think there are a few words that should be put on the Record. The need for this legislation came from a trial balloon or a proposal from a commissioner from a prior administration and that commissioner is no longer with us. I feel that parents, the clients, the communities, have been unnecessarily traumatized. I am going to vote for this but I think it ought to be very clear that this action or this proposal, which has caused the need for this legislation, did not and does not have the support of this administration.

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Monday, May 11, 1987.

By unanimous consent, all reference matters were ordered sent forthwith to the Senate.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Clarify the Laws for Transmission of Electric Power to Study Related Issues (H.P. 131) (L.D. 160) (S. "A" S-52 to C. "A" H-82)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

FINALLY PASSED  
Emergency Measure

RESOLVE, to Establish the Commission to Study Adoption Laws and Practices (H.P. 1043) (L.D. 1405)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

FINALLY PASSED  
Emergency Measure

RESOLVE, to Create a Commission to Review the Laws Relating to Registered Maine Guides (H.P. 993) (L.D. 1339)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

An Act Relating to the Sales Tax on Construction Equipment and Livestock Trailers (S.P. 102) (L.D. 275) (C. "A" S-46)

An Act to Clarify and Simplify the Maine Consumer Credit Code (S.P. 177) (L.D. 503) (C. "A" S-48)

An Act to Clarify Definition Language under the Site Location of Development Laws (H.P. 670) (L.D. 903) (C. "A" H-84)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker Pro Tem and sent to the Senate.

PASSED TO BE ENACTED

An Act to Ensure Confidential and Reliable Substance Abuse Testing of Employees and Applicants and the Rehabilitation of Substance Abusing Employees (S.P. 457) (L.D. 1400) (S. "A" S-50)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: By this time, there should be no question in the mind of anyone who serves in this body as to what the eventual fate of this bill is going to be. I just merely want to remind you that it is your last opportunity to go on Record as to what your feeling is with regard to drug testing and more particularly with regard to this particular bill. Supporting it, you will go on Record as not being in favor of any random testing for safety sensitive employees, not in favor of giving employers an effective tool in which to deal with one of the most plaguing problems we face in our society today and a method, at this particular time, which serves as one of the only effective tools available to employers in this state and everywhere else in the country with which to combat the potential threat to safety in the workplace.

This morning we were all presented with stickers and buttons which read, "Keep your Dreams Alive" — of course referring to Project Graduation. I would hope that this dream would go much further than just Project Graduation. I would hope that this dream would also be to make our workplace as safe a place as we can possibly make it. This bill will severely curtail an employer's ability to do that. I would hope that you would keep it in mind.

Mr. Speaker, I request a roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind you that you have voted twice on this very important, and at times, emotional issue. I would ask you to remember that when you have voted in the affirmative, you voted to maintain a very delicate balance between human and individual rights and safety in the



workplace. I applaud you for your past efforts and I hope you will maintain those efforts this morning.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER PRO TEM: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 47

YEA - Aliberti, Anthony, Baker, Begley, Bickford, Bost, Boutilier, Callahan, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Gould, R. A.; Gwadsky, Hale, Handy, Hichborn, Hickey, Hoglund, Hussey, Jalbert, Joseph, Kilkelly, Lacroix, LaPointe, Lebowitz, Look, Macomber, Mahany, Martin, H.; Matthews, K.; Mayo, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Rand, Rice, Richard, Rolde, Rotondi, Ruhlin, Scarpino, Sheltra, Simpson, Small, Smith, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tammaro, Taylor, Telow, Tracy, Vose, Walker, Willey.

NAY - Anderson, Armstrong, Bailey, Bott, Bragg, Davis, Dexter, Farren, Foss, Foster, Greenlaw, Hanley, Harper, Hepburn, Higgins, Holloway, Holt, Lord, MacBride, Marsano, McPherson, Murphy, E.; Murphy, T.; Norton, Paradis, E.; Parent, Pines, Racine, Reed, Ridley, Salsbury, Seavey, Sherburne, Soucy, Stanley, Stevenson, Strout, B.; Tupper, Webster, M.; Wentworth, Weymouth, Zirkilton.

ABSENT - Allen, Brown, Carroll, Connolly, Curran, Dellert, Diamond, Garland, Gurney, Hillock, Ingraham, Jackson, Jacques, Ketover, Kimball, Lawrence, Lisnik, Manning, McGowan, Nicholson, Pouliot, Priest, Reeves, Rydell, Sproul, Tardy, Thistle, Warren, Whitcomb, The Speaker.

Yes, 79; No, 42; Absent, 30; Paired, 0; Excused, 0.

79 having voted in the affirmative and 42 in the negative with 30 absent, the bill was passed to be enacted, signed by the Speaker Pro Tem, and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Marriage Prohibitions Based on Consanguinity (H.P. 1002) (L.D. 1348) (H. "A" H-90) Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to rise and speak today against a unanimous compromise bill out of the Judiciary Committee. However, I cannot, in good conscience, vote in favor of this measure to allow first cousins to marry if they receive genetic counseling. The ban on marriage between first cousins was passed only two years ago based on the unanimous recommendation of the Legal Affairs Committee. Testimony given at that time indicated that only 5 states allow this type of marriage. My recent research has found that 30 states have, in fact, civil sanctions against first cousins marrying, and 8 of those states even impose criminal sanctions. Based on the potential for genetic problems arising from a marriage of blood relatives,

I cannot vote for L.D. 1348. To me, it is a giant step backward.

I request a roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: The Representative is correct in saying this is a Unanimous Committee Report. The Judiciary Committee met in work session three times, three lengthy times, on this bill in order to craft a compromise that would not violate the spirit of the past legislature which voted to (without debate in this body) ban the marriage of first cousins. In the history of the entire state, up until 2 years ago, first cousins were allowed to marry. We heard testimony at the public hearing that there were very few problems with first cousins marrying and that a blanket disapproval, a law which would outlaw all marriages, was harsh and cruel on particular cases where there would be no problems. In the history of the state, we have always permitted individuals to marry. The state would, in fact, say yes, you can marry, we will not get involved in your marriage contract -- that you ought to be free to make that commitment to a man or woman based on your own reasons.

I think for the State of Maine to say now, after 180 years of state history, no, we will never allow any two individuals who happen to be first cousins, whether they be twenty years old or fifty years old, to marry is harsh and cruel.

We were presented with testimony by a couple who lived in the district of the sponsor and cosponsor of the measure, who were beyond childbearing age and wanted to marry. I see no problem with that particular case. My church has always allowed the marriage of first cousins, marriage of the first degree to occur, providing that the bishop of the church granted his consent. In other words, it would not be an automatic marriage.

We put in the bill that those couples who do seek to marry would have to be counseled to see if there would be any problems in that marriage and in the offspring of any potential marriage.

A person testified at the hearing that there were no more reasons for genetic disability in first cousins marrying, who had no problems in their lineage, than there would be in a marriage of non-relatives that had problems. In other words, if I wanted to marry someone and I had, for example, Downs Syndrome in my family, or any other genetic based disease, my offspring, regardless of whom I marry, would have a potential to have that. It wouldn't matter if it was a first cousin or not, a second cousin would have the potential for that to a lesser degree, a third cousin would have the potential for that to a lesser degree and so on. I think you understand, fellow colleagues, what I am saying.

To make a blanket disapproval, without knowing the particulars and without allowing exemptions to this, is harsh and cruel. If people want to marry, and they are aware of the potential conflicts and problems that might arise, genetics being one of them, and they are appraised of that by professionals, then I think, in my judgment, and in the judgment of the committee, it is best to allow those people to make that informed consent on their own and not to disallow by fiat of the legislature, all those types of marriages.

I would ask you to vote for enactment of this measure, it is not a partisan measure, it is not cast in partisan terms, it is a bill that affects only a few individuals. There aren't going to be 3,000

marriages of first cousins in the first year of this bill. You may see two or three, that's how much impact that it has. To say no to those two or three, I do not have it in my heart to say that, and I cannot, in the deepest search of my own conscience, say that it would be wrong. I would ask you to enact this measure.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken and more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Men and Women of the House: I just want to remind you that the action before you today is not to impose the ban, this very body did that two years ago based, again, on the unanimous recommendation of the Legal Affairs Committee. In my opinion, the Judiciary Committee acknowledged the potential problem by requiring genetic counseling.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: In the 112th Legislature, the Legal Affairs Committee had this bill brought before us and it was brought before us because of some problems. We gave it a lot of study and we spent hours on it. We had a genetic specialist come in, who started from the top and brought us right down through of the dangers of first cousins marrying. I don't think any of us, when the bill first came in, thought there was much of a problem, but we were certainly convinced that it was not a good practice and that it could create some problems. I guess I believe that if we passed a law that saved one child from being born with a handicap, that it was worth it. That is one reason why I voted to ban first cousins from marrying.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I said, a few minutes ago, in answer to comments that were made previously that the ban which the Legal Affairs Committee voted out two years ago, and which this legislature adopted, prohibited all first cousin marriages. I stated this afternoon that, if a marriage of two persons fifty, sixty, or seventy years old who were first cousins wanted to take place, I would ask you, in your own mind, would there be potential offspring to that marriage? I think the chances are very, very slim. Why should that marriage be prohibited? The ban that now exists is state law and prohibits all. This bill, as carefully as it is worded, hopes to permit those people to make that decision in light of counseling and looking into their own particular situation. We allow exemptions to many, many things in the law. We have books that are this thick to allow certain exemptions. To pass a blanket rule, I think, is wrong. That is why the sponsors came to us in this Legislature. We are not bound by the actions of any previous Legislature to say that we are going to correct an unfortunate happening. The spirit is still there in the law, but in every particular circumstance, I think that law went far beyond what even the geneticists were asking the legislature to do.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative BOTT.

Representative BOTT: Mr. Speaker, Men and Women of the House: I wish to pose a question through the Chair.

I would like to ask the Chairman of the Judiciary Committee or a member of that committee if this bill only affects first cousins that are beyond childbearing years?

The SPEAKER PRO TEM: The Representative from Orono, Representative Bott, has posed a question through the Chair to anyone who may respond if they so desire.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: In answer to the Representative from Orono, this bill is carefully worded. We do not want to fall into the same pitfall that was created two years ago by the previous legislature. It deals with all first cousins and asks them all to go to genetic counseling and they make an individual determination. We believe the people of this state are intelligent enough and informed enough to make their own decisions. They need not be told by the legislature that we in this body have more knowledge than the people out there.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, Men and Women of the House: The Judiciary Committee had a choice. We could recommend letting people live together without the benefit of marriage, we could recommend letting first cousins marry and be sterilized, we could recommend not letting first cousins marry, which again, would recommend living together, or we could recommend the procedure that you have in the bill today. That is to require people to have genetic counseling. The committee decided that that was the fairest and the best route to take.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Men and Women of the House: I guess that if the answer to my question had been yes, that this only affected people that were beyond childbearing years, then I would support this; however, it doesn't. It really is going to circumvent the unanimous bipartisan committee stand that we took on Legal Affairs last session. We felt that this was a very significant problem in terms of potential birth defects, in terms of the unintended consequences that could result with the marriage of first cousins. I strongly urge you to vote against this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: This arrived on my doorstep and I ran with it because my husband and I have been through the "genetic counseling" and counseling sounds like such a safe procedure in a sense. But it is extensive — it's blood tests, we hired a genealogist. I mean there was nothing that was not looked into. If I thought for one moment there was a chance that a child could ever evolve from anything we would do here that would not be 100 percent, I certainly would not be standing here. What does happen though is that they can get right down to the wire. I did my homework on this. I went all over the place. The head of the Eastern Maine Genetic Clinic thought it was a ridiculous bill. If we would

be consistent with worrying about birth defects, we would be eliminating a lot more dangerous categories of people that are getting married now. I don't hear anybody bringing forth new laws to impede some of these people that are at high risks and having children. I can reassure you that I have done my homework. Nobody will survive this procedure if there is any possibility of ever producing anything but a healthy child. There are cases in point that are sterile. There is no way they will have children.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: I just have a couple of quick things to say on this issue. I didn't expect that there would be any debate on it. In New England, many of us are related, especially families who didn't migrate out west. My husband's hobby is genealogy. My husband and I are related as cousins about twenty time over, but that happens a lot in New England. More important than that, I think you should remember but perhaps you don't know, that the United States Nuclear Regulatory Commission, before it went full-scale with nuclear powered generation of electricity, stated that it allowed a 10 percent increase in the genetic mutation rate. That is on record.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Men and Women of the House: I would like to pose a question to anyone who might answer.

Under the present ban on marriage between first cousins, if there were two first cousins in Maine who wished to marry, went out of state and married, then came back to this state, what would happen to them under that existing ban?

The SPEAKER PRO TEM: The Representative from York, Representative Rolde, has posed a question through the Chair to anyone who may respond if they so desire.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: To use an often quoted term -- "They would be living in sin."

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is passage to be enacted. Those in favor will be vote yes; those opposed will vote no.

ROLL CALL NO. 48

YEA - Anthony, Baker, Begley, Bost, Boutilier, Carter, Cashman, Chonko, Clark, M.; Coles, Conley, Cote, Crowley, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnum, Gould, R. A.; Gwadosky, Hale, Handy, Hanley, Hichborn, Hickey, Hogle, Holt, Jacques, Jalbert, Joseph, Kilkelly, Lacroix, LaPointe, Lord, MacBride, Mahany, Marsano, Martin, H.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Perry, Priest, Rand, Rolde, Rotondi, Ruhlin, Scarpino, Seavey, Sheltra, Simpson, Soucy, Stevens, P.; Strout, D.; Swazey, Tammaro, Telow, Tracy, Vose, Walker.

NAY - Aliberti, Anderson, Armstrong, Bailey, Bickford, Bott, Bragg, Callahan, Clark, H.; Davis, Dexter, Farren, Foss, Foster, Greenlaw, Harper, Hepburn, Higgins, Holloway, Hussey, Lebowitz, Look, Macomber, Matthews, K.; Murphy, E.; Paul, Pines, Racine, Reed, Rice, Richard, Salsbury, Sherburne, Small, Smith, Stanley, Stevens, A.; Stevenson, Strout, B.; Tupper, Webster, M.; Wentworth, Weymouth, Willey, Zirkilton.

ABSENT - Allen, Brown, Carroll, Connolly, Curran, Dellert, Diamond, Garland, Gurney, Hillock, Ingraham, Jackson, Ketover, Kimball, Lawrence, Lisnik, Manning, McPherson, Mitchell, Nicholson, Pouliot, Reeves, Ridley, Rydell, Sproul, Tardy, Taylor, Thistle, Warren, Whitcomb, The Speaker.

Yes, 75; No, 45; Absent, 31; Paired, 0; Excused, 0.

75 having voted in the affirmative and 45 in the negative with 31 being absent, the bill was passed to be enacted, signed by the Speaker Pro Tem, and sent to the Senate.

PASSED TO BE ENACTED

An Act to Regulate the Location of Vending Machines Containing Cigarettes (H.P. 1033) (L.D. 1391)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker Pro Tem and sent to the Senate.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first tabled and today assigned matter:

SENATE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (S-51) - Minority (2) "Ought Not to Pass" - Committee on Business Legislation on Bill "An Act Relating to Disclosures When Selling Used Cars" (S.P. 295) (L.D. 845)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-51) TABLED - May 6, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative ALIBERTI of Lewiston to accept the Majority "Ought to Pass" as Amended Report.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Aliberti of Lewiston, that the House accept the Majority "Ought to Pass" as Amended Report and specially assigned for Monday, May 11, 1987.

The Chair laid before the House the second tabled and today assigned matter:

An Act Relating to the Issuance of Bonds or Notes for Union Schools (S.P. 317) (L.D. 919)

TABLED - May 6, 1987 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Monday, May 11, 1987.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act Enabling Municipalities to Establish Municipal Land Banks Funded by a Local Option Real Estate Transfer Tax" (H.P. 543) (L.D. 727) (H. "A" H-91)

TABLED - May 6, 1987 by Representative MURPHY of Kennebunk.

PENDING - Adoption of House Amendment "C" (H-94).

Representative Holloway of Edgecomb withdraws House Amendment "C."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: This bill has been debated several times in the House and I think, in the course of that debate, I have tried to point out that the Taxation Committee has in front of it several other bills that will deal with this same issue. After Wednesday's session, I met with a small, but very active, group of supporters of this bill who said that they would like to see the Taxation Committee reconsider this bill and work it along with the other bills that deal with the same subject matter. They felt that, in spite of the fact that we have other bills, that this proposal has some merit. I must say that some of the amendments that I have seen offered and put on my desk, particularly the one that the Representative was kind enough to withdraw, I think have a great deal of merit and really put this bill in a different posture than it was in when we released it from committee.

What I would like to do, Mr. Speaker, is withdraw my motion for indefinite postponement if that is necessary. If not, I would just move that this be recommitted to the Committee on Taxation.

Subsequently, on motion of Representative Cashman of Old Town, L.D. 727 was recommitted to the Committee on Taxation. Sent up for concurrence

The following items appearing on Supplement No. 1 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act to Clarify Licensing Definitions under the Laws Related to the Board of Pesticides Control" (S.P. 487) (L.D. 1469)

Came from the Senate, referred to the Committee on Agriculture and Ordered Printed.

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Provide Funds for the Hazardous Materials Response Training Program at Southern Maine Vocational-Technical Institute" (S.P. 484) (L.D. 1461)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Make Technical Amendments in the Certificate of Need Act to Expedite the Process" (S.P. 483) (L.D. 1460)

Bill "An Act to Enhance the Quality of Care in Long-term Care Facilities through Consultation, Education and Intermediate Sanctions" (S.P. 485) (L.D. 1462)

Came from the Senate, referred to the Committee on Human Resources and Ordered Printed.

Were referred to the Committee on Human Resources in concurrence.

RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State in Certain Parcels of Real Property (S.P. 489) (L.D. 1471)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

On motion of Representative Jacques of Waterville, tabled pending reference in concurrence and specially assigned for Monday, May 11, 1987.

Bill "An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1987" (Emergency) (S.P. 482) (L.D. 1459)

Came from the Senate, referred to the Committee on Transportation and Ordered Printed.

Was referred to the Committee on Transportation in concurrence.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Foster the High School Equivalency Program by Removing Fees Imposed on Persons who Participate in that Program (H.P. 1040) (L.D. 1401)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

(Off Record Remarks)

On motion of Representative Ridley of Shapleigh, Adjourned until Monday, May 11, 1987, at ten o'clock in the morning.